



H 93-03-016





## CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF CITY PLANNING AND BUILDING  
801 NORTH FIRST STREET  
SAN JOSE, CA 95110-1795

GARY J. SCHOENNAUER  
DIRECTOR OF PLANNING

September 21, 1993

Ms. Ann Turner  
M & S Financial Services  
333 Crestmont Drive  
San Francisco, CA 94131


Dear Ms. Turner:

RE: File No. H 93-03-016

Your development application, City file number H 93-03-016, located at the northwest corner of Berryessa Road and Capitol Avenue, San José, was issued by the Director of Planning on May 28, 1993. One of the permit conditions required that the Acceptance of Permit and Conditions form be signed, notarized, and returned to the Department of City Planning and Building within 60 days from the date of issuance of the permit. Since we did not receive the acceptance form within the specified time period, the permit approval has been deemed to be null and void.

If you should desire to continue with the project, a new application and fees submittal would be necessary. If you have any questions regarding this matter, please contact Jim Prandi at (408) 277-4576.

Sincerely,

  
Carol Anne Painter  
Principal Planner

sf



## CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF CITY PLANNING AND BUILDING  
801 NORTH FIRST STREET  
SAN JOSÉ, CA 95110-1795

May 28, 1993

GARY J. SCHOENNAUER  
DIRECTOR OF PLANNING

Ms. Ann Turner  
M. & S. Financial Services  
333 Crestmont Drive  
San Francisco, CA 94131

Dear Ms. Turner:

RE: Site Development Permit, File No. H 93-03-016

The enclosed is your copy of the Planning Director's action on the application for a Site Development Permit for the property located at the northwest corner of Berryessa Road and Capitol Avenue, San José.

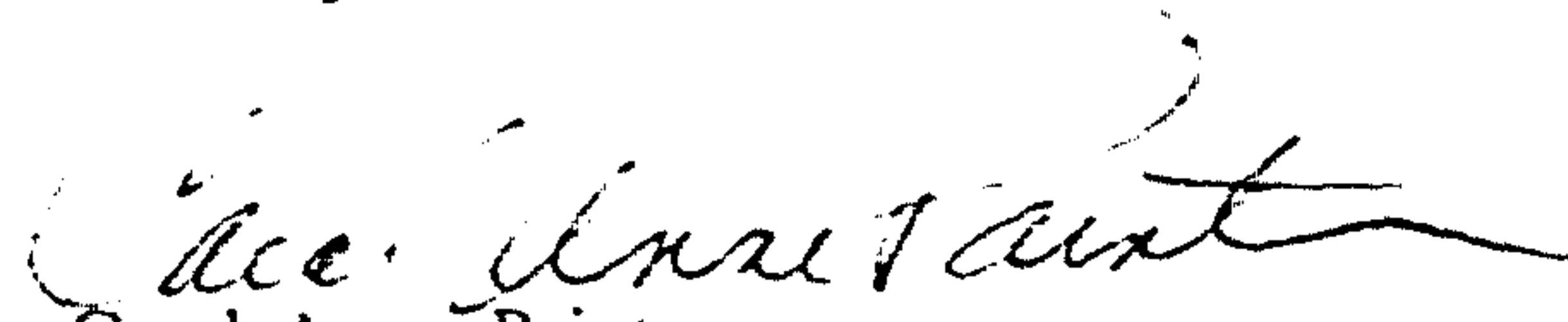
To accept the permit and conditions, the attached Acceptance Form must be signed, **notarized** and received in the return envelope provided on or before 5:00 p.m., July 28, 1993. Failure to return the Acceptance Form, properly signed, to the Department of City Planning will cause this permit to lapse and become null and void.

For the permit to be effective, Section 20.44.220 of the City of San José's Zoning Ordinance requires that a Certificate of Permit be recorded with the County Recorder's Office. With your completed Acceptance Form, please enclose a check or money order for \$11, **payable to the Santa Clara County Recorder**, so that the permit may be recorded.

The Planning Director's action taken on this permit or any of the conditions of this permit may be appealed by the applicant to the Planning Commission by filing a Notice of Appeal and a \$50 fee. The appeal must be submitted in person and presented on the Notice of Appeal form available from the Department of City Planning on or before 5:00 p.m., June 8, 1993.

If you have any questions, please feel free to contact me or your Project Coordinator.

Sincerely,

  
Carol Anne Painter  
Principal Planner

SS

Enclosure



**CITY OF SAN JOSÉ  
DEPARTMENT OF CITY PLANNING  
SITE DEVELOPMENT PERMIT**

<b>FILE NO.</b>	H 93-03-016
<b>LOCATION OF PROPERTY</b>	Northwest corner of Berryessa Road and Capitol Avenue (2481 Berryessa Road)
<b>ZONING DISTRICT</b>	C-1 Commercial District
<b>GENERAL PLAN DESIGNATION</b>	General Commercial
<b>PROPOSED USE</b>	A 635-square-foot addition to an existing restaurant
<b>ENVIRONMENTAL STATUS</b>	Exempt
<b>OWNER</b>	Ann Turner
<b>ADDRESS</b>	333 Crestmont Drive, San Francisco, CA 94131

**FINDINGS**

1. The interrelationship between the orientation, location and elevations of the proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious in that:
  - a. The exterior wall and roof materials of the proposed and/or existing structures match or are compatible in terms of color and texture.
  - b. The architectural elements of the proposed and/or existing structures are integrated into a harmonious whole.
  - c. Sufficient maneuvering room will be provided on site to allow smooth circulation and minimize interference with other uses.
2. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood in that:
  - a. The exterior wall and roof materials of the proposed structures on site match or are compatible with the materials of existing adjacent or nearby structures.
  - b. The structures proposed on site are comparable in terms of mass, scale and height with existing adjacent or nearby structures.

3. The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that:
  - a. This project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 and the San José Municipal Code (SJMC) per Section 21.08.160. The project is low intensity in nature and will have no significant effect on adjacent uses.
4. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood in that:
  - a. Substantial landscaping and an adequate automatic irrigation system exist on-site to support this landscaping.
5. Traffic access, pedestrian access and parking are adequate in that:
  - a. The proposed number and size of parking spaces complies with or exceeds the requirements of the Zoning Ordinance.
6. This site has a designation of General Commercial on the adopted Horizon 2000 General Plan Land Use/Transportation Diagram and this application is consistent with this designation.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
3. **Exterior Alterations.** No exterior alterations to the structure may be implemented unless and until this Site Development Permit is released to the Building Division.

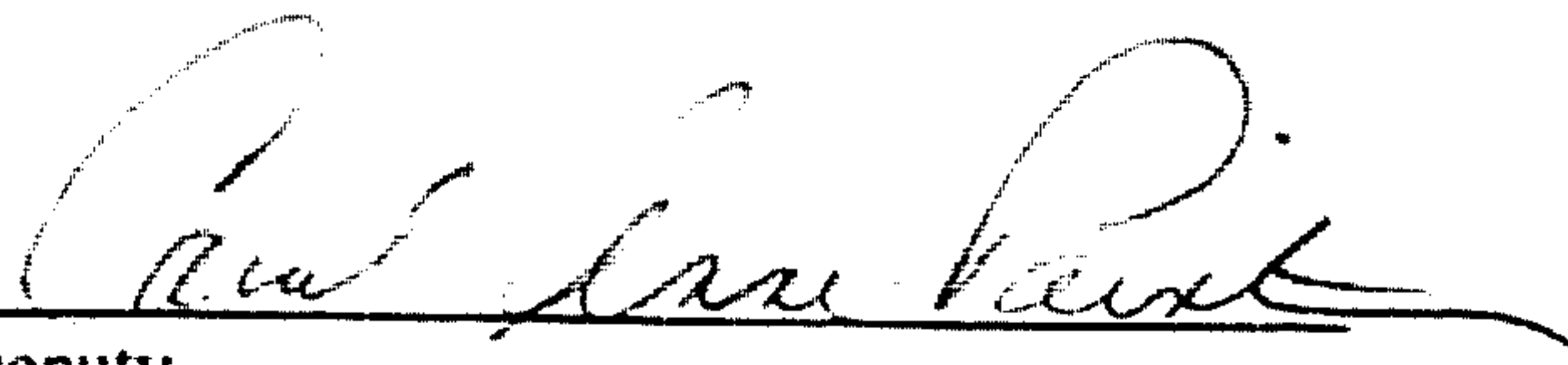


4. **Conformance with Plans.** Construction and development shall conform to approved Site Development plans entitled, "Building Remodel of Taco Bell," dated March 11, 1993, on file with the Department of City Planning and Building and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
5. **Deadline for Commencing Construction.** This Site Development Permit shall lapse and become null and void upon the expiration of two years from and after the date of issuance hereof by said Director if within such two-year period construction of buildings, pursuant to and in accordance with the provisions of this Site Development Permit, has not commenced.
6. **Revocation.** This Site Development Permit is subject to revocation for violation of any of its provisions or conditions.
7. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
8. **Acceptance.** The "Acceptance of Permit and Conditions" form shall be *signed, notarized, and returned* to the Department of City Planning and Building within *60 days* from the date of issuance of permit. *Failure to do so will result in this permit becoming null and void.*
9. **Colors and Materials.** All building colors and materials are to be those specified on the approved plan set.
10. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, Room 340, (408) 277-5161, and is subject to the following requirements (3-3952) to the satisfaction of the Director of Public Works:
  - a. Storm drainage area fees, sanitary sewer connection fees and sewage treatment plant fees are due, less previous credits.
  - b. A fee is due based on 25 percent of the total amount equivalent to \$92 per linear foot of street frontage, for the subject site along Berryessa Road to be used in accordance with Section 15.26 of the San José Municipal Code. Utility Underground Fees.
11. **Hours of Operation:** This facility shall be limited to operation between the hours of 6:00 a.m. and 12:00 midnight.
12. **Archaeology:** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory

agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

APPROVED THIS 28<sup>th</sup> DAY OF May, 1993.

Gary J. Schoennauer  
Director of Planning

  
Deputy

JP:ss

c: Applicant  
Building Division (2)  
Engineering Services

Ms. Laura Secrest  
Fredric Devine Associates  
1930 4th Street  
San Rafael, CA 94901

Mr. Gary Laabs  
Tabelco, Inc.  
2780 Alum Rock Avenue  
San José, CA 95127





# DEPARTMENT OF CITY PLANNING

801 N. First Street, San Jose, CA 95110 (408) 277-4576

## CITY OF SAN JOSE

FILE NO. <b>H93-03-016</b>	COUNCIL DISTRICT <b>04 BK</b>	
FILING DATE <b>11 MARCH 93</b>	PROJECT COORDINATOR —	
ENVIRONMENTAL STATUS —	ENVIRONMENTAL APPROVAL DATE <b>X</b>	
ANNEXATION DATE & NAME <b>3 DEC 1971 BERRYESSA #16</b>	PREVIOUS FILES —	
PROJECT DESCRIPTION <b>545 SF EXPANSION</b>		
LOCATION <b>NW/4 BERRYESSA ROAD AND CAPITOL AVENUE</b> <b>BERRYESSA AND HWY 680</b>		
NAME OF OWNER <b>MARIL A EGI</b>		
ASSESSOR'S PARCEL NUMBER <b>245-05-005</b>	CENSUS TRACT NUMBER <b>501303</b>	
EXISTING USE <b>FAST FOOD</b>	LAND USE CODE <b>53</b>	
PROPOSED USE <b>FAST FOOD</b>	LAND USE CODE <b>53</b>	
SPECIFIC CODE USE <b>5811</b>	ZONING MAP NUMBER <b>51</b>	
EXISTING ZONING <b>C-1</b>	PROPOSED ZONING <b>C-1</b>	
G.P. DESIGNATION <b>GENERAL COMMERCIAL</b>	G.P. CODE <b>58</b>	G.P. CONFORMANCE: YES <input type="checkbox"/> NO <input type="checkbox"/>
GROSS ACRES <b>1.22</b>	NET ACRES <b>1.22</b>	
GROSS FLOOR AREA <b>545 SQ. FT ADDITION</b>	NO. OF STORIES <b>ONE</b>	NO. OF BUILDINGS
NO. OF UNITS —	TYPE OF UNIT —	
NO. OF EXISTING LOTS <b>ONE</b>	NO. OF PROPOSED LOTS <b>ONE</b>	
PARKING SPACES REQUIRED —	PARKING SPACES PROPOSED —	
ESTIMATED OCCUPANCY DATE <b>OCCUPIED</b>		
ELEMENTARY SCHOOL DISTRICT —	HIGH SCHOOL DISTRICT —	
SPECIAL DISTRICTS —		
HAZARD-SENSITIVE ZONES: <input checked="" type="checkbox"/> ALOQUIST-PRIOLO NO <input checked="" type="checkbox"/> LANDSLIDE NO <input checked="" type="checkbox"/> LAND SUBSIDENCE YES <input checked="" type="checkbox"/> LIQUIFACTION NO	<input type="checkbox"/> GEOLOGIC HAZARD <input checked="" type="checkbox"/> SEISMIC ZONING <input type="checkbox"/> NOISE <input type="checkbox"/> TRAFFIC <input type="checkbox"/> AIRPORT ZONE	<input checked="" type="checkbox"/> ARCHAEOLOGY YES <input checked="" type="checkbox"/> FLOOD NO <input type="checkbox"/> REDEVELOPMENT AREA <input type="checkbox"/> OTHER: <b>JIS/MJL/KK/N.P.</b>

## PROJECT APPLICATION SUMMARY





City of San Jose

Department of City Planning

801 North First Street, Room 400  
San Jose, CA 95110  
(408) 277-4576

## SITE DEVELOPMENT PERMIT/AMENDMENT APPLICATION

TO BE COMPLETED BY DEPARTMENT OF CITY PLANNING STAFF		
FILE NUMBER <u>H033-16</u>	COUNCIL DISTRICT <u>4</u>	RECEIPT #: <u>387756</u>
PROJECT LOCATION <u>NW 1/4 CORNER 24th &amp; CAPITOL AV</u>		AMOUNT: <u>1227</u>
ZONING <u>C1</u>		DATE: <u>3-11</u>
		BY: <u>gm</u>

TO BE COMPLETED BY THE APPLICANT (PLEASE PRINT OR TYPE)		
Pursuant to the Provisions of Part 2 of Chapter 20.44 of the San Jose Municipal Code, application is made to request a:		
CHECK ONE BOX		
<input checked="" type="checkbox"/> SITE DEVELOPMENT PERMIT	<input type="checkbox"/> AMENDMENT TO A SITE DEVELOPMENT PERMIT	
PREVIOUS FILE NUMBER <u>H</u>		
FOR THE PROPERTY LOCATED AT: <u>2481 Berryessa Road</u>		
ASSESSOR'S PARCEL NUMBER(S) (APN) <u>245-05-005</u>	GROSS ACREAGE <u>53,280 SF (1.22 Acres)</u>	NET ACREAGE <u>53,280 SF (1.22 Acres)</u>
EXISTING USE OF PROPERTY <u>Taco Bell Restaurant</u>	ESTIMATED DATE OF OCCUPANCY (month/year) <u>Currently Occupied</u>	
PROPOSED USE OF PROPERTY OR SUBJECT OF AMENDMENT  <u>An existing 545 SF covered porch area is to be enclosed to expand the dining and storage areas at an existing Taco Bell restaurant.</u>		
IF PROPOSAL IS RESIDENTIAL - NUMBER OF UNITS <u>N/A</u>	IF PROPOSAL IS NON-RESIDENTIAL - NEW GROSS BUILDING SQUARE FOOTAGE <u>2,107 SF 545 SF</u>	
THE FOLLOWING EXHIBITS ARE ATTACHED HERETO AND MADE A PART THEREOF BY REFERENCE.		
<input type="checkbox"/> A LEGAL DESCRIPTION OF SUBJECT PROPERTY - EXHIBIT A		
<input type="checkbox"/> THE COMPLETE DEVELOPMENT PLAN SET FOR THE SUBJECT PROPERTY, ENTITLED		
DATED <u>      </u> / <u>      </u> / <u>      </u> AND LAST REVISED <u>      </u> / <u>      </u> / <u>      </u>		
CONSISTING OF <u>      </u> SHEETS		

NOTICE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY. CALL 294-PLAN (7526).



# SITE DEVELOPMENT PERMIT/AMENDMENT

## AFFIDAVIT OF OWNERSHIP

### THE UNDERSIGNED HEREBY DECLARE THAT THE FOLLOWING IS TRUE AND CORRECT:

1. The undersigned are all the owners of all the property described in Exhibit A - Legal Description of Subject Property, or tenants of the entire subject site with a recorded lease and a term remaining of at least five years.
2. The development plans a part of this application show the exact location, size, and use of all easements on the subject site and all easement on surrounding properties benefiting the subject property.
3. If there are any existing active or deactivated water wells on your property, they must be shown on your plans.  
The property which is the subject of this application:  
\_\_\_\_\_ does contain existing active or deactivated water wells and they are shown on the plans accompanying this application  
\_\_\_\_\_ does not contain existing active or deactivated water wells.
4. in conformance with Section 65962.5 of the California Government Code, and as owner(s) of the property referenced below, I(we) hereby certify that I(we) have reviewed the list of Hazardous Waste and Substance Sites within the City of San Jose, as compiled by the State Office of Planning and Research.  
The property which is the subject of the above-referenced application is \_\_\_\_\_ is not \_\_\_\_\_ included on said list.  
If included on the List, the listed item reads as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### THE UNDERSIGNED HEREBY DECLARE THAT THEY UNDERSTAND THE FOLLOWING APPLIES TO THEIR PROJECT:

5. Notice to Applicants regarding effect of Wastewater treatment capacity on land development approvals. Part 2.75 of Chapter 15.12 of the San Jose Municipal Codes requires that an applicant acknowledge the effect of Wastewater treatment capacity on Land development approvals at the time of application. As owner (s) of the property subject to this development application, I(we) hereby acknowledge the requirements of the Municipal Code, as stated below, and understand that these requirements will apply to the development permit for which I(we) am(are) applying.

Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San Jose-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

PRINT NAME OF PROPERTY OWNER MARIL A. EGIDE		DAYTIME TELEPHONE # 707-769-5120	
ADDRESS 1129 INDUSTRIAL AVE.	CITY DUBLIN	STATE CA	ZIP CODE 94568
NAME OF FIRM, IF APPLICABLE M & S FINANCIAL SERVICES		TITLE OR OTHER OFFICIAL CAPACITY* PROPERTY MANAGER	
SIGNATURE X <i>Maril A. Egide</i>		DATE 3-8-93	
* PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC...			
IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE USE THE FOLLOWING PAGE TO PROVIDE THE ABOVE INFORMATION.			



# **SITE DEVELOPMENT PERMIT/AMENDMENT**

Page 3

## **AFFIDAVIT OF OWNERSHIP**

<p>THE UNDERSIGNED HEREBY DECLARE THAT ITEMS 1 THROUGH 4 ON PAGE 2 OF THIS APPLICATION ARE TRUE AND CORRECT, AND DECLARE THAT THEY UNDERSTAND THAT ITEM 5 ON PAGE 2 OF THIS APPLICATION APPLIES TO THEIR PROJECT:</p>			
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE #	
ANN TURNER		(415) 568-720 (707) 769-5120	
ADDRESS	CITY	STATE	ZIP CODE
333 CRESTMONT DR	SAN FRANCISCO	CA	94131
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
MIS FINANCIAL SERVICES		Property Manager	
SIGNATURE		DATE	
X <i>[Signature]</i>		3-8-93	
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE #	
		( )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	
X			
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE #	
		( )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	
X			
PRINT NAME OF PROPERTY OWNER		DAYTIME TELEPHONE #	
		( )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE		TITLE OR OTHER OFFICIAL CAPACITY*	
SIGNATURE		DATE	
X			
<p>* PLEASE STATE IF YOU ARE A PARTNER, PRESIDENT, VICE-PRESIDENT, ETC...</p>			
<p>IF THERE ARE ADDITIONAL PROPERTY OWNERS, PLEASE ATTACH A SEPARATE COPIES OF THIS PAGE TO PROVIDE THE ABOVE INFORMATION.</p>			

**NOTICE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY. CALL 294-PLAN (7526).**



**SITE DEVELOPMENT  
PERMIT/AMENDMENT**

CONTACT PERSON			
That for the purpose of processing and coordination of this application, the following person is my (our) designated representative/contact person:			
PRINT NAME		DAYTIME TELEPHONE #	
Laura Sechrest		( 415 ) 457-0220	
ADDRESS	CITY	STATE	ZIP CODE
1930 Fourth Street	San Rafael,	CA	94901
NAME OF FIRM, IF APPLICABLE			
Fredric C. Divine Associates			
PROJECT DEVELOPER			
PRINT NAME OF PROJECT DEVELOPER (IF DIFFERENT THAN OWNER)		DAYTIME TELEPHONE #	
Gary Laabs		( 408 ) 929-2113	
ADDRESS	CITY	STATE	ZIP CODE
2780 Alum Rock Ave.	San Jose,	CA	95127
NAME OF FIRM, IF APPLICABLE			
Tabelco, Inc.			
ARCHITECT and ENGINEER			
PRINT NAME OF ARCHITECT		DAYTIME TELEPHONE #	
Fredric Divine Associates		(415 ) 457-0220	
ADDRESS	CITY	STATE	ZIP CODE
1930 Fourth St.	San Rafael,	CA	94901
NAME OF FIRM, IF APPLICABLE			
PRINT NAME OF ENGINEER		DAYTIME TELEPHONE #	
N/A		( )	
ADDRESS	CITY	STATE	ZIP CODE
NAME OF FIRM, IF APPLICABLE			

**NOTICE: THIS APPLICATION IS ACCEPTED BY APPOINTMENT ONLY. CALL 294-PLAN (7526).**



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

TURNANN INC.  
333 CRESTMONT DR.  
SAN FRANCISCO, CA 94131

MAIL TAX STATEMENTS TO  
TURNANN INC.  
333 CRESTMONT CR.  
SAN FRANCISCO, CA 94131

N 2780 27848 San Jose  
F 779 page 501 6922788  
Calif. Land Title Co. 10110846

REC FEE	5
RMP	3
MICRO	1
LIEN	
STAMP	10
PPR	

MAY 15 1989

8850 PAGE 2077

DOCUMENTARY TRANSFER TAX \$0 change of name only  
COMPUTED ON FULL VALUE OF PROPERTY CONVEYED.  
OR COMPUTED ON FULL VALUE LESS LIENS AND ENCUMBRANCES REMAINING AT TIME OF SALE.  
Signature of Declarant or Agent determining tax. Print Name

# GRANT DEED

(Exempt No. ....)

By this instrument dated January 12, 1989 for a valuable consideration,

\*\*TURNANN INC.\*\*

Grantee

\*\*TURNANN INC., in Trust, a California Corporation.\*\*

the following described Real Property in the State of California, County of Santa Clara

City of San Jose

FOR DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

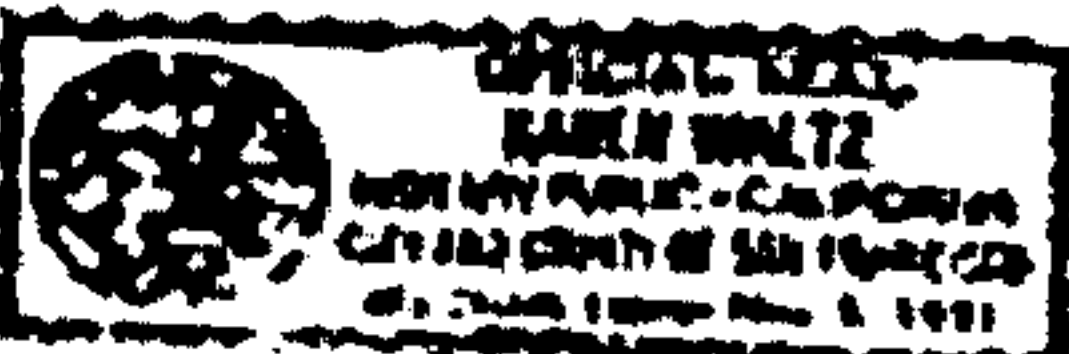
Kate Turner  
grantee

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

on February 8, 1989

before me, the undersigned, a Notary Public in and for said County and State, personally appeared Kate Turner



present to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that she executed the same.

Notary's Signature Karen Waltz

MAIL TAX STATEMENTS AS DIRECTED ABOVE

ORDER NO. 96791-C

EXHIBIT "A"

K 950 PAGE 2078

DESCRIPTION

F 770 net 502

PARCEL ONE:

BEGINNING at an iron peg in the center line of Berryessa Road distant thereon South 36° 30' West 3.06 chains from the point of intersection of the center line of Berryessa Road with the center line of Capitol Avenue, said point of beginning being also the most Southerly corner of the certain 1.17 acre tract of land conveyed by the City of San Jose to George Gross, T.J. Hixey, as Trustees of the Berryessa School District, by deed dated July 22, 1870, and recorded August 22, 1870 in Book 10 of Deeds, at page 288, Records of Santa Clara County, California; thence running South 36° 30' West and along the center line of Berryessa Road, 2.62 chains to the most Easterly corner of the certain 0.86 acre tract of land conveyed by the Board of Commissioners of the Funded Debt of the City of San Jose, to Daniel Lundy, by Deed dated January 23, 1865 and recorded March 8, 1865 in Book "T" of Deeds, at page 386, records of said County of Santa Clara, thence running North 49° 30' West and along the Northeasterly line of said 0.86 acre tract, 3.55 chains to an iron peg in the Southeasterly line of that certain 1.51 acre tract of land conveyed by Isaiah Shaw to J.P. Rose, Philip Anderson and Jane Shaw, as Trustees of the Berryessa School District by Deed dated January 12, 1884, and recorded January 15, 1884, in Book 70 of Deeds, at page 586, records of said County of Santa Clara; thence running along the Southeasterly line of said 1.51 acre tract of land, North 95° East 2.73 chains to an iron peg set at the most Westerly corner of that certain 0.35 acre tract of land conveyed by the Board of Commissioners of the Funded Debt of the City of San Jose to D.R. Jayne, David Houben and Thomas Holland as Trustees of the Berryessa Division No. 44 of the Sons of Temperance, by Deed dated February 13, 1865, and recorded February 18, 1865, in Book "T" of Deeds, at page 309, Records of said County of Santa Clara; thence running South 49° 30' East and along the Southwesterly line of said 0.35 acre tract and the Southwesterly line of the 1.17 acre tract of land hereinabove referred to 3.78 chains to the point of beginning, and being a portion of 500 acre Lot 63 of the Pueblo land to the City of San Jose.

EXCEPTING THEREFROM that portion thereof conveyed to the County of Santa Clara, State of California, recorded November 15, 1967 in Book 7928, page 446 Official Records, and more particularly described as follows:



K950 PAGE 2079

ORDER NO. 96791-C

F 770 12:503

BEGINNING at the point of intersection of the Northwest line of San Jose and Berryessa Road, 50 feet wide the Northeast line of that certain 0.98 acre parcel of land conveyed by Emily Oressa Anderson to Manuel George, et ux, by deed recorded March 3, 1966 in Book 7299 of Official Records, page 364 in the Office of the Recorder of the County of Santa Clara, State of California; thence from said point of beginning South 49° 16' 40" West 83.36 feet, and on a curve to the left with a radius of 1065 feet through an angle of 4° 52' 44" for a distance of 90.69 feet to a point in the Southwest line of said 0.98 acre parcel of land distant thereon North 48° 36' 27" West 32.13 feet from the said Northwest line of San Jose and Berryessa Road; thence along said Southwest line South 48° 36' 27" East 32.13 feet to a point in said Northwest line of San Jose and Berryessa Road; thence South 45° 30' 28" East to the centerline of the San Jose and Berryessa Road, 50 feet wide; thence along said center line North 37° 23' 33" East 50 the East corner of said 0.98 acre parcel of land; thence along said Northeast line of said 0.98 acre parcel of land North 48° 36' 27" West to the point of beginning, containing 0.069 acres of land and also 0.1 acre of land in the portion of San Jose and Berryessa Road, and being a portion of Pueblo Tract No. 1.

PARCEL TWO:

A PORTION of that certain parcel of land conveyed by Deed No. 34213, to the State of California, recorded April 16, 1969 in Volume 8500, page 343, and all of that certain parcel of land described as Parcel 2C in Final Order of Condemnation No. 210767, recorded August 15, 1969 in Volume 8620, page 580, both in the Official Records of Santa Clara County, described as a whole, as follows:

COMMENCING at the most Northerly corner of said Parcel 2C; thence along the Northerly line of said Parcel 2C, S. 48° 55' 04" E., 187.67 feet to the general Southerly line of said Parcel 2C; thence along last said line, from a tangent that bears 63° 09' 38" W., along a curve to the right, with a radius of 250.00 feet, through an angle of 29° 28' 23", an arc length of 128.60 feet, and N. 87° 21' 59" W., 66.97 feet; thence along the westerly extension of last said course, N. 87° 21' 59" W. 62.35 feet to the general Northerly line of said parcel, (8500 OR 343); thence along last said line, and along the Northerly line of said Parcel 2C, N. 37° 53' 17" E., 182.52 feet to the point of commencement.

245-5-5,6  
40-980  
DH/TR/lr

12143-4-26.59  
8-29-79



## CITY OF SAN JOSÉ, CALIFORNIA

DEPARTMENT OF CITY PLANNING AND BUILDING  
801 NORTH FIRST STREET  
SAN JOSE, CA 95110-1795

GARY J. SCHOENNAUER  
DIRECTOR OF PLANNING

May 5, 1993

Ms. Laura Sechrest  
Fredric Divine Associates  
1930 Fourth Street  
San Rafael, CA 94901

Dear Ms. Sechrest:

RE: File No. H 93-03-016

Your application, referenced above, for development in the City of San José has undergone a preliminary review. The purpose of this review is to provide you with information as early as possible so you can appropriately respond to the issues identified below. While I am continuing to work on your application, your timely response will further expedite the process. Please understand that this is a preliminary review and additional comments may be made at a later time. If more than one application is listed above, the information below pertains to all of them.

### COMPLETENESS OF YOUR APPLICATION

**Permit Streamlining Act:** Pursuant to the Permit Streamlining Act (Government Code Chapter 4.5 of Title 7), your application is not complete. Prior to a determination that the project application is complete, the following issues must be addressed.

1. **Supporting Documentation:** Please provide a legible legal description suitable for photocopying.
2. **Additional Documentation:** In addition to the information provided for the application you filed, an application for Lot Combining with the associated fees must be submitted to the Department of City Planning.

### COMMENTS FROM OTHER CITY DEPARTMENTS

**Department of Public Works:** A memorandum was previously sent to you for your information. Those comments are preliminary and are intended to notify you about potential requirements for development. Concerns about any of these issues should be brought to my attention so that I can coordinate with appropriate City staff on your behalf.



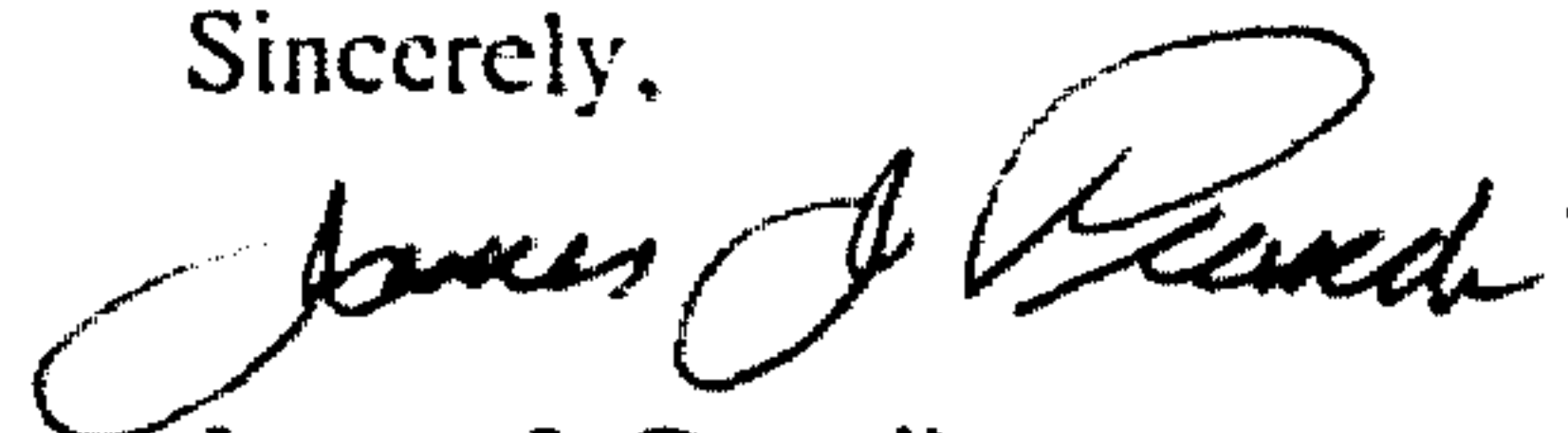
### PROJECT DESIGN COMMENTS

As proposed, your project design raises some concerns. I would like to work with you to resolve the following issues so that I can ultimately recommend that your project be approved.

1. ***Parking, Loading and Circulation:*** Please revise project data to provide a boxed matrix for existing and proposed parking based on net floor area (85 percent of gross) at 1:40 ratio and a 1:2.5 seats for the dining area, whichever formula requires the greatest number of spaces. Fractions are rounded up. The original Site Development Permit (File No. H 78-04-104) which allowed the retail building and the restaurant did not include the five parallel parking spaces, four of which are currently striped. In that these spaces obstruct the 26-foot wide driveway entrance from Berryessa Road, staff prefers that these spaces be deleted. If necessary, the addition could be relocated to the opposite side of the restaurant facing the retail building.
2. ***Plan Revisions:*** Please add a revision date and provide five sets of revised plans, including the enclosed check print, to me by May 14, 1993, so that this item may be heard at the Director's Hearing on May 19, 1993.

If you have any questions regarding the information contained in this letter, please feel free to give me a call at (408) 277-4576.

Sincerely,



James J. Prandi  
Project Manager

JP:ss

#### Attachments

c: Mr. Mark Egide  
M & S Financial Services  
1129 Industrial Avenue  
Petaluma, CA 94952

Ms. Ann Turner  
333 Crestmont Drive  
San Francisco, CA 94131



City of San Jose

Department of City Planning and Building

801 North First Street, Room 400

San Jose, CA 95110

Phone: (408) 277-4576

FAX: (408) 277-3250

## TRANSMITTAL

TO: LAURA SECKREST

DATE: 4-21-93

VIA: MAIL ☐ COURIER ☐

FAX ☒ WILL CALL ☐

NO. OF FAX PAGES SENT  
(including this sheet): 2

FAX NO.: 415 454-9581

FILE NO.: H93-03-016

RE: Pub. Works Memo

WE ARE SENDING YOU THE FOLLOWING MATERIAL:

DATE	No. of Copies	DESCRIPTION
<u>4/21/93</u>	<u>2</u>	<u>Pub. Works Comm. Memo</u>

COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COPIES TO: \_\_\_\_\_

SENT BY: Linda Honnigson



CITY OF SAN JOSE - MEMORANDUM

TO: LINDA HANNIGAN, PLANNER II  
PLANNING DEPARTMENT

FROM: Cheryl L. Domnitch, P. E.  
Fire Department

SUBJECT: PLANNING DEPARTMENT FILE NO. H93-03-016  
DEVELOPMENT PERMIT REPORT

DATE: March 29, 1993

APPROVED

DATE

LOCATION: N.W. corner of Berryessa Rd. & Capitol Ave.

ADDRESS: 2481 Berryessa Rd. (Taco Bell)

DESCRIPTION: 545 sq. ft. enclosure for dining & storage

The Fire Department has no comments to this project

If you have any questions regarding this project, please contact me at extension 5357.

*Cheryl L. Domnitch*

CHERYL L. DOMNITCH, P. E.  
Fire Protection Engineer  
Bureau of Fire Prevention  
San Jose Fire Department

*by MAM*

CLD:m1m

RECEIVED

MAR 31 1993

CITY OF SAN JOSE  
PLANNING DEPARTMENT

PROJREV3/9303016/1  
(Rev. 2/92)

CITY OF SAN JOSE - MEMORANDUM

TO: Carol Painter  
Planning Department

FROM: Ron Conn  
Public Works Department

SUBJECT: RESPONSE TO DEVELOPMENT  
APPLICATION

DATE: March 29, 1993

PLANNING NO.: H 93-3-16

DESCRIPTION: Allow 545 SF Enclosure of existing porch for dining for Taco Bell  
on 1.2 acre


LOCATION: N/s of Berryessa Rd., Wly/o Capitol Ave.

P.W. NUMBER: 3-3952

Public Works has reviewed the subject development application and submits the following comments and requirements:

1. **Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees are due and payable.
2. **Undergrounding:** The In-Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to *Berryessa Road* prior to the issuance of a Public Works Clearance. *Twenty-five percent* of the base fee of \$92 per linear foot of frontage shall be paid at this time.

Please contact *Timm Borden* at 277-5161 if you have any questions.

  
RON CONN  
Senior Civil Engineer  
Development Engineering Division

RC:GF  
3-3952 H

RECEIVED  
MAR 30 1993  
CITY OF SAN JOSE  
PLANNING DEPARTMENT



CITY OF SAN JOSE - MEMORANDUM

TO: Linda Hannigan, Project Coordinator  
Planning Department  
SUBJECT: H93-03-016  
2481 Berryessa Road

FROM: Marilyn L. Bertrand  
Code Enforcement  
DATE: March 29, 1993

APPROVED:

DATE:

Code Enforcement has reviewed the above referenced project on the March 26, 1993 Project Review Agenda and offers the following comments.

- o Ensure that the Taco Bell obtains a Conditional Use Permit to operate past midnight.

*Marilyn L. Bertrand*  
Marilyn L. Bertrand  
Project Review Representative

MLB: dne

3979V

RECEIVED  
MAR 30 1993  
CITY OF SAN JOSE  
PLANNING DEPARTMENT

# Project Referrals

H 93-03-016

## CITY OF SAN JOSE

- ☐ NEIGHBORHOOD PRESERVATION
  - ☐ CODE COMPLIANCE
- ☐ PUBLIC WORKS
  - ☐ TRANSPORTATION PLANNING
  - ☐ HYDRAULICS
  - ☐ LANDSCAPE ARCHITECTURE
  - ☐ MUNICIPAL WATER
- ☐ FIRE DEPARTMENT
- ☐ POLICE DEPARTMENT
  - ☐ CRIME PREVENTION
  - ☐ RESEARCH AND DEVELOPMENT
- ☐ PARKS AND RECREATION
- ☐ HISTORIC LANDMARKS COMMISSION
- ☐ AIRPORT PLANNING AND DEVELOPMENT
- ☐ REDEVELOPMENT AGENCY
  - STAFF \_\_\_\_\_
- ☐ SPECIAL STUDIES GROUP
  - STAFF \_\_\_\_\_
- ☐ LIBRARY
  - ☐ MAIN
  - ☐ BRANCH \_\_\_\_\_

## COUNTY OF SANTA CLARA

- ☐ PLANNING DEPARTMENT
- ☐ PUBLIC WORKS
- ☐ PARKS AND RECREATION
- ☐ HISTORICAL HERITAGE COMMISSION
- ☐ SANTA CLARA VALLEY WATER DISTRICT
- ☐ SANTA CLARA COUNTY TRANSPORTATION AGENCY
  - Land Development Coordination
  - Berger Drive
- ☐ LAFCO
- ☐ AIRPORT LAND USE COMMISSION
- ☐ ENVIRONMENTAL HEALTH SERVICES
- ☐ FARM RELATIONS COMMISSION

## SCHOOL DISTRICTS

- ☐ SAN JOSE UNIFIED
- ☐ EAST SIDE UNION HIGH
  - ☐ BERRYESSA UNION ELEMENTARY
  - ☐ ORCHARD ELEMENTARY
  - ☐ ALLEN ROCK UNION ELEMENTARY
  - ☐ MT. PLEASANT ELEMENTARY
  - ☐ EVERGREEN ELEMENTARY
  - ☐ FRANKLIN-MCKINLEY ELEMENTARY
  - ☐ OAK GROVE ELEMENTARY
- ☐ CAMPBELL UNION HIGH
  - ☐ MORELAND ELEMENTARY
  - ☐ CAMERIAN ELEMENTARY
  - ☐ UNION ELEMENTARY
  - ☐ CAMPBELL UNION ELEMENTARY
- ☐ FREMONT UNION HIGH
  - ☐ CUPERTINO UNION ELEMENTARY
- ☐ LOS GATOS JOINT UNION HIGH
  - ☐ LOS GATOS UNION ELEMENTARY
- ☐ SANTA CLARA UNIFIED
- ☐ MORGAN HILL UNIFIED
- ☐ SAN JOSE CITY COLLEGE
- ☐ WEST VALLEY COMMUNITY COLLEGE
- ☐ FOOTHILL COMMUNITY COLLEGE
- ☐ SAN JOSE STATE UNIVERSITY

## PUBLIC UTILITIES

- ☐ PACIFIC GAS AND ELECTRIC
- ☐ SAN JOSE WATER COMPANY
- ☐ GREAT OAKS WATER COMPANY
- ☐ PACIFIC TELEPHONE AND TELEGRAPH
  - Pacific Bell
- ☐ SOUTHERN PACIFIC RAILROAD
- ☐ WESTERN PACIFIC RAILROAD
  - Union Pacific System

HEARING DATE: \_\_\_\_\_

RESPOND BY: \_\_\_\_\_

PROJECT COORDINATOR: \_\_\_\_\_

☒ PRELIM BIN



SPECIAL DISTRICTS

- ☐ EVERGREEN RESEARCH CONSERVATION DISTRICT
- ☐ SANITARY DISTRICT No. \_\_\_\_\_

LOCAL ORGANIZATIONS

- ☐ ARCHAEOLOGICAL RESEARCH CENTER
- ☐ SIERRA CLUB
- ☐ NATIVE PLANT SOCIETY
- ☐ CHAMBER OF COMMERCE

LOCAL AGENCIES

- ☐ HOUSING AUTHORITY
- ☐ E. S. O.
- ☐ COUNCIL ON AGING

REGIONAL AGENCIES

- ☐ BAY AREA AIR QUALITY MANAGEMENT DIST.
- ☐ ASSOCIATION OF BAY AREA GOVERNMENTS
- ☐ SAN FRANCISCO BAY CONSERV. AND DEV.
- ☐ SAN FRANCISCO BAY REGIONAL WATER QUALITY
- ☐ METROPOLITAN TRANSPORTATION COMMISSION

STATE AGENCIES

- ☐ STATE DEPT. OF PARKS AND REC. (HISTORIC PRESERVATION)
- ☐ STATE CLEARINGHOUSE (IF THIS IS CHECKED, USE NOTICE OF INTENT FORM)
- ☐ CALTRANS

FEDERAL AGENCIES

- ☐ ENVIRONMENTAL PROTECTION AGENCY
- ☐ HUD, FHA-SAN FRANCISCO OFFICE
- ☐ ARMY CORPS OF ENGINEERS
- ☐ FISH AND WILDLIFE SERVICE

PLANNING DEPARTMENTS

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| <input type="checkbox"/> CAMPBELL  | <input type="checkbox"/> MORGAN HILL |
| <input type="checkbox"/> CUPERTINO | <input type="checkbox"/> SANTA CLARA |
| <input type="checkbox"/> LOS GATOS | <input type="checkbox"/> SARATOGA    |
| <input type="checkbox"/> MILPITAS  | <input type="checkbox"/> SUNNYVALE   |

COUNCIL DISTRICTS

- ☐ No. \_\_\_\_\_

OTHER

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



File No. 493-03-016

### DECLARATION OF MAILING

I certify that the attached Notice of Public Hearing was mailed to the project applicant(s) and the owners of parcels of land which are within 300 feet of the subject property as shown on the project mailing list, or as otherwise required by the San José Municipal Code. This notice was mailed on the date noted below.

May 11, 1993  
Date Mailed

*D. Chapman*  
Signature



## PUBLIC HEARING NOTICE

The Director of Planning of the City of San José will hold a Public Hearing on **Wednesday, May 19, 1993**. This Public Hearing will be held in accordance with Title 20 of the San José Municipal Code.

The Public Hearing is to be in the City Council Chambers, on the second floor of City Hall, at 801 North First Street, San José, California, at **10:00 a.m.** or as soon thereafter as this item can be heard. You are welcome to attend and to speak on this issue. If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the Public Hearing or in written correspondence delivered to the City at or prior to the Public Hearing.

The decision of the Director may be appealed to the Planning Commission in accordance with the requirements of the San José Municipal Code. Instructions for filing a Permit Appeal are available from the Department of City Planning.

The project being considered is:

**H 93-03-016, Site Development Permit for a 635-square-foot addition to an existing restaurant on a 1.22-gross-acre site in the C-1 Commercial Zoning District located at the northwest corner of Berryessa Road and Capitol Avenue. (Ann Turner, Owner; Taco Bell, Developer) Council District 4.**

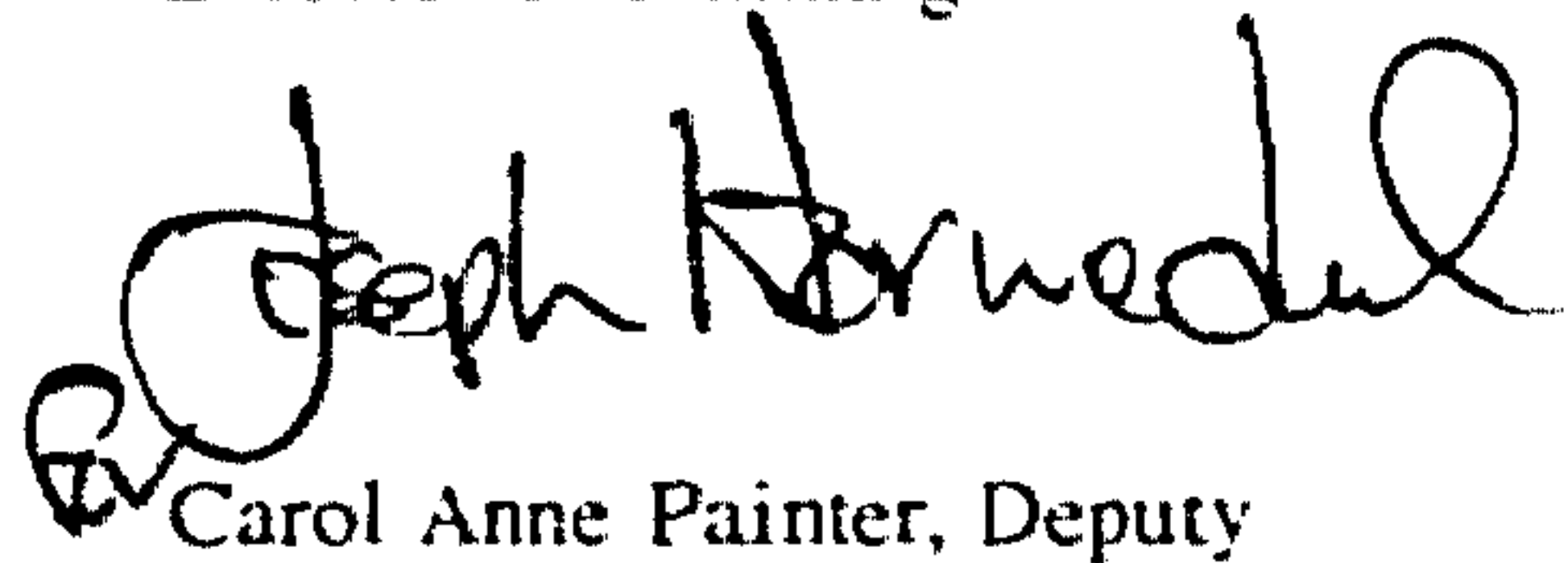
Reports, drawings, and documents for this project are on file and available for review 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of City Planning  
801 North First Street, Room 400  
San José, CA 95110  
(408) 277-4576

A permit and recommendations will be available for your review during the week of the Public Hearing at the Department of City Planning.

Comments and questions are welcome, and should be referred to **Jim Prandi** of the Department of City Planning. Please refer to the above file number for further information on this project. For your convenience, contact **Susan Schapansky** at the above telephone number the week of the Public Hearing to verify that this item will be heard and is not scheduled for deferral to a later date.

Gary J. Schoennauer  
Director of Planning



Carol Anne Painter, Deputy

Dated: May 7, 1993

245-05-005

Reba Turner  
Inc. Turnann  
333 Crestmont Dr.  
San Francisco CA 94131

245-05-006

Reba Turner  
Inc. Turnann  
333 Crestmont Dr.  
San Francisco CA 94131

245-05-010

Syufy Enterprises  
150 Golden Gate Ave.  
San Francisco CA 94102

245-05-011

Atlantic Richfield Company  
P.O. Box 2485  
Los Angeles CA 90051

245-05-012

Atlantic Richfield Company  
P.O. Box 2485  
Los Angeles CA 90051

254-29-001

Exxon Corp  
P.O. Box 53  
Houston TX 77001

254-29-017

Berryessa Associates  
102 Park Center Plaza  
San Jose CA 95113

254-29-018

Edwin Anderson  
Ronald Nelson  
P.O. Box 1600  
Rowlett TX 75088

591-01-021

John Revell  
John Revell  
214 Clara St.  
San Francisco CA 94107

591-28-008

Margaret Tam  
381 Birchwood Dr.  
Moraga CA 94556

Occupant

2471 Berryessa Road  
San Jose, CA 95133

Occupant

13441 Berryessa Road  
San Jose, CA 95133

Occupant

1111 N. Capitol Ave.  
San Jose, CA 95133

Occupant

2470 Berryessa Road  
San Jose, CA 94133

Occupant

2484 Berryessa Road  
San Jose, CA 94133

Occupant

1180 N. Capitol Ave.  
San Jose, CA 95133



OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CALIFORNIA

BK  
589

OH LONE DR.

BK  
591

BOOK  
245

PAGE  
5

CAPITOL

R.O.S. F1/25

R.O.S. 152/44

AVE.

PM. 623-M-1

PTN LOT 5  
1.73 AC NET

0.5 AC.  
PCL. 2  
103.45

0.5 AC.  
PCL. 1  
103.45

1" = 100'

BK  
254

ISAIAH SHAW RANCH PARTN.

9.32 AC NET

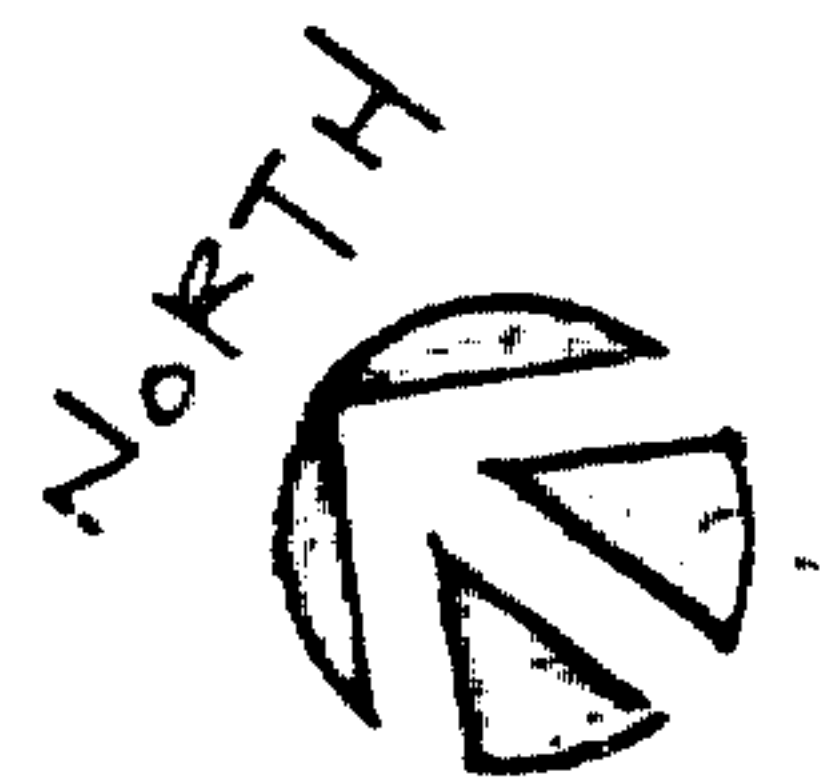
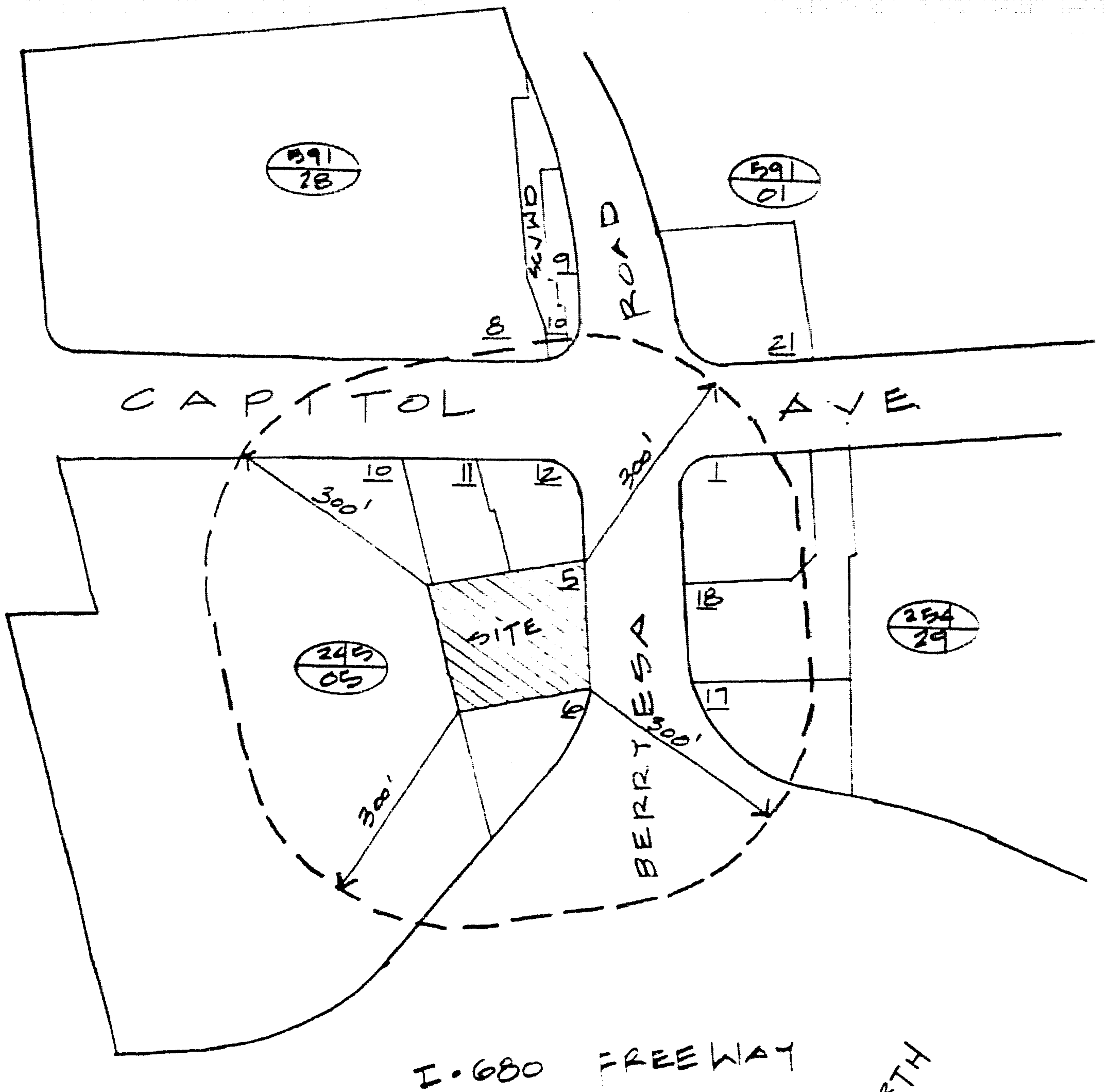
PTN LOT 5  
PTN LOT 4

R.O.S. 108/11

ROUTE 680 - SINCLAIR

FREEWAY

1-200-245-7224



# 300 FOOT RADIUS MAP

A.P.N. 245-05-005  
2481 BERRYESSA ROAD

1" = 200'



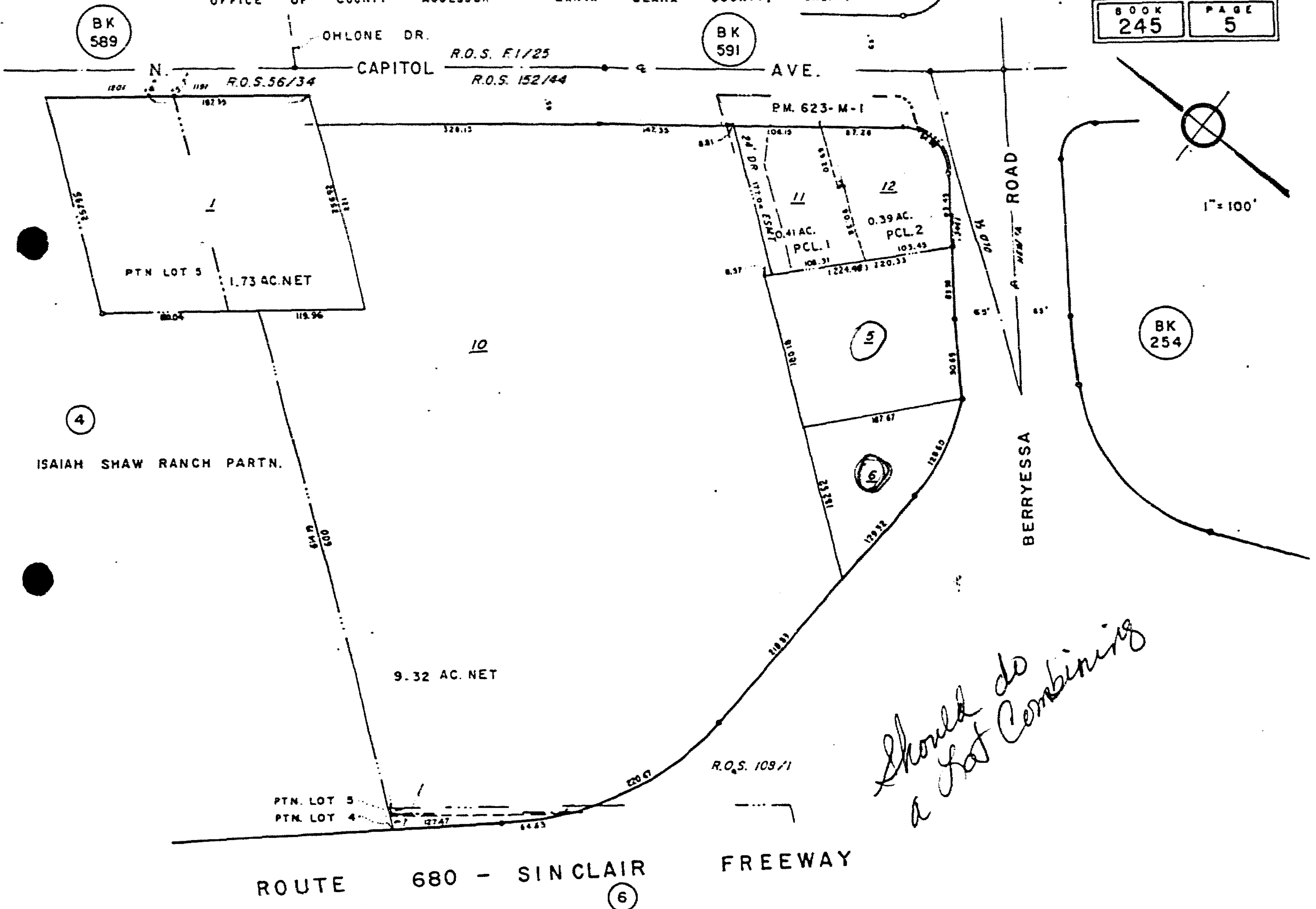
EDI



1-800-345-7334

OFFICE OF COUNTY ASSESSOR - SANTA CLARA COUNTY, CALIFORNIA

BOOK 245 PAGE 5



**SITE DEVELOPMENT PERMIT**

FILE NO. H 78-4-109  
LOCATION OF PROPERTY: Northeast corner of Berryessa Road and Route 680 Freeway  
ZONING DISTRICT: C-1  
PROPOSED USE: Commercial Retail Strip Shopping Center  
APPLICANT: Five Star Industries, Inc.  
ADDRESS: 84 Gallin Drive  
Novato, CA 94947

H 78-04-109

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS: MAP=151

1. Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
2. Construction and development shall conform to approved site development plans on file in the Planning Department and to the San Jose Building Code, Ordinance #17549.
3. This Site Development Permit shall lapse and become null and void upon the expiration of two (2) years from and after the date of issuance hereof by said Director if within such two (2) year period construction of buildings, pursuant to and in accordance with the provisions of this Site Development Permit, has not commenced.
4. This Site Development Permit is subject to revocation for violation of any of its provisions or conditions.
5. No part of this approval shall be construed to permit a violation of any part of the San Jose Municipal Code.
6. THE ACCEPTANCE OF PERMIT AND CONDITIONS FORM SHOULD BE SIGNED, NOTARIZED, AND RETURNED TO THE PLANNING DEPARTMENT WITHIN 21 DAYS FROM THE DATE OF THE ISSUANCE OF THIS PERMIT.

(CONTINUED)

APPROVED THIS 10th DAY OF July 1978

JOHN M. HAMILTON  
DIRECTOR OF PLANNING

cc: Applicant  
Building Dept.  
Public Works Dept.

Deputy



FILE NO. H 78-4-109 CONDITIONS (continued)

7. A PUBLIC WORKS CLEARANCE SHALL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS, CITY OF SAN JOSE (Contact Engineering Services, Room 308, City Hall), AND IS SUBJECT TO THE FOLLOWING REQUIREMENTS:
  - a. Area fees and sewage treatment plant connection fees are due.
  - b. Dedication and improvement of Berryessa Road to a 65' half street is required if not already completed.
  - c. A Soils Report shall be filed with the City Geologist (277-4681) for review.
  - d. A Grading and Drainage Plan is to be submitted for review by the City Hydraulic Engineer. Storm drain is available in Berryessa Road and sanitary sewer is available in Capitol Avenue.
8. A clearance shall be obtained from the Fire Chief (Contact Fire Department Support Bureau, 476 Park Avenue, San Jose). Hydrants are to be provided and shall meet the requirements of the Fire Chief as to location, size, type of materials and manner of installation.
9. Planting and irrigation is to be provided as indicated on the final approved plan set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner when necessary. Irrigation is to be regulated by the use of an automatic controller.
10. All building colors to be as specified on the "Approved Plan Set."
11. All telephone, telegraph and electrical distribution facilities situated on the subject property shall be placed underground.
12. All roof equipment and trash areas shall be effectively screened from view. Revisions shall be made to the application plan set and said revisions shall be filed with the Director of Planning (in triplicate) for review and final approval (contact Franklin Maggi, Room 400, City Hall, phone 277-4576) on or before September 1, 1978 and shall consist of the following:
  - a. A sign program for both attached and detached signs. The attached sign for the restaurant shall be consistent with those signs proposed for the retail shops building.
  - b. An irrigation plan.
  - c. A revised elevation plan including additional tile canopy treatment at the rear of building, consistent store front detail for both the restaurant and retail shops building, and deletion of the decorative beams from the restaurant building. The mechanical equipment enclosure on the restaurant building shall be stucco to match the retail building.
  - d. A 4' planter strip shall be provided along the easterly boundary except for those areas utilized for cross access (to be verified by the Planning Department).

601-70-82-H



TO THE ISS. 1967, 1968  
American Land Title  
With ALTA Endorsement

American Land Title Association (Trust's Policy)  
Form 15-1977

California Land Title Association  
Standard Coverage Policy-1963

NO. 308639

# SCHEDULE C

The land referred to herein is described as follows:

## H 78-04-109

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

### PARCEL 1:

Beginning at an iron peg in the center line of Berryessa Road distant thereon South 36° 30' West 3.08 chains from the point of intersection of the center line of Berryessa Road with the center line of Capitol Avenue, said point of beginning being also the most Southerly corner of the certain 1.17 acre tract of land conveyed by the City of San Jose to George Gross, T.J. Maxey, as Trustees of the Berryessa School District, by Deed dated July 22, 1870, and recorded August 22, 1870 in Book 10 of Deeds, at page 288, records of Santa Clara County, California; thence running South 36° 30' West and along the center line of Berryessa Road, 2.62 chains to the most Easterly corner of that certain 0.86 acre tract of land conveyed by the Board of Commissioners of the Funded Debt of the City of San Jose, to Daniel Lundy, by Deed dated January 23, 1865 and recorded March 8, 1865 in Book "T" of Deeds, at page 386, records of said County of Santa Clara, thence running North 49° 30' West and along the Northeasterly line of said 0.86 acre tract, 3.55 chains to an iron peg set in the Southeasterly line of that certain 1.51 acre tract of land conveyed by Isaiah Shaw to J.F. Rose, Philip Anderson and Jane Shaw, as Trustees of the Berryessa School District by Deed dated January 12, 1884, and recorded January 15, 1884, in Book 70 of Deeds, at page 586, records of said County of Santa Clara; thence running along the Southeasterly line of said 1.51 acre tract of land, North 35° East 2.73 chains to an iron peg set at the most Westerly corner of that certain 0.35 acre tract of land conveyed by the Board of Commissioners of the Funded Debt of the City of San Jose to D.R. Jayne, David Hobson and Thomas Holland, as Trustees of the Berryessa Division No. 44 of the Sons of Temperance, by Deed dated February 13, 1865, and recorded February 18, 1865, in Book T of Deeds, at page 309, records of said County of Santa Clara; thence running South 49° 30' East and along the Southwesterly line of said 0.35 acre tract and the Southwesterly line of the 1.17 acre tract of land hereinabove referred to, 3.78 chains to the point of beginning, and being a portion of 500 Acre Lot 63 of the Pueblo Land to the City of San Jose.

Excepting therefrom that portion thereof conveyed to the County of Santa Clara, State of California, recorded November 15, 1967 in Book 7928 page 446 Official Records and more particularly described as follows:

(Cont'd on next page)



**H 78-04-109**

beginning at the point of intersection of the Northwest line of San Jose and Berryessa Road, 50 feet wide, the Northeast line of that certain 0.98 acre parcel of land conveyed by Emily Dressa Anderson to Manuel George, et ux, by deed recorded March 3, 1966 in Book 7299 of Official Records at page 364 in the Office of the Recorder of the County of Santa Clara, State of California; thence from said point of beginning South  $49^{\circ} 16' 40''$  West 83.36 feet, and on a curve to the left with a radius of 1065 feet through an angle of  $40^{\circ} 52' 44''$  for a distance of 90.69 feet to a point in the Southwest line of said 0.98 acre parcel of land distant thereon North  $48^{\circ} 36' 27''$  West 32.13 feet from the said Northwest line of San Jose and Berryessa Road; thence along said Southwest line South  $48^{\circ} 36' 27''$  East 32.13 feet to a point in said Northwest line of San Jose and Berryessa Road; thence South  $45^{\circ} 30' 28''$  East to the centerline of the San Jose and Berryessa Road, 50 feet wide; thence along said centerline North  $37^{\circ} 23' 33''$  East to the East corner of said 0.98 acre parcel of land; thence along said Northeast line of said 0.98 acre parcel of land North  $48^{\circ} 36' 27''$  West to the point of beginning, containing 0.069 acres of land and also 0.1 acre of land in the portion of San Jose and Berryessa Road, and being a portion of Pueblo Tract No. 1.

**PARCEL 2:**

A PORTION of that certain parcel of land conveyed by Deed No. 34213, to the State of California, recorded April 16, 1969 in Volume 8500, Page 343, and all of that certain parcel of land described as PARCEL 2C in Final Order of Condemnation No. 210767, recorded August 15, 1969 in Volume 8640, Page 530, both in the Official Records of Santa Clara County, described as a whole, as follows:

COMMENCING at the most northerly corner of said PARCEL 2C; thence along the northeasterly line of said PARCEL 2C, S.  $48^{\circ} 55' 04''$  E., 187.67 feet to the general southerly line of said PARCEL 2C; thence along last said line, from a tangent that bears S.  $63^{\circ} 09' 38''$  W., along a curve to the right, with a radius of 250.00 feet, through an angle of  $29^{\circ} 28' 23''$ , an arc length of 128.60 feet, and N.  $87^{\circ} 21' 59''$  W., 66.97 feet; thence along the westerly extension of last said course, N.  $87^{\circ} 21' 59''$  W., 62.35 feet to the general northerly line of said parcel, (8500 OR 343); thence along last said line, and along the northwesterly line of said PARCEL 2C, N.  $37^{\circ} 53' 17''$  E., 182.52 feet to the point of commencement.





CITY PLANNING

CITY OF SAN JOSE  
CALIFORNIA

## PROJECT APPLICATION SUMMARY

H 78-04-109

(For office use only)

LOCATION:

NE C/ BERRYESSA  
RD. & RTE. 680  
FRWY

CITY FILE NO:

H 78-4-109

NEIGHBORHOOD:

ACTION:

APPROVED ☐

DENIED ☐

DATE:

4/24/78

(to be completed by applicant)

PROPOSED USE

Commercial Retail

CURRENT USE

Vacant

Strip Shopping Center

TOTAL GROSS ACREAGE

1.28

TOTAL NET ACREAGE

1.28 (55.750 sq.ft.)

TOTAL NO. OF DWELLING UNITS

--

TOTAL NO. LOTS

2

CURRENT ZONING

C-1

PROPOSED ZONING

GENERAL PLAN DESIGNATION

C-1

SITE COVERAGE

PLANNING AREA

Berryessa

LANDSCAPING

24.3

%

PARKING & Driveway

59.0

%

BUILDING

16.7

%

100%

CENSUS TRACT(S)

5043.02

HIGH SCHOOL DISTRICT

East San Jose

NO. OF PARKING SPACES

69

ELEMENTARY SCHOOL DISTRICT

Berryessa Union

GROSS FLOOR AREA

9323

ASSESSORS PARCEL NO.

243-4-59, 243-4-26





# STATEMENT OF EXEMPTION

## CITY OF SAN JOSE, CALIFORNIA

FILE NO: H 93-03-016

### PROJECT LOCATION

The project is located on the northwest corner of Berryessa Road and Capitol Avenue.

### PROJECT DESCRIPTION

The project consists of a Site Development Permit and subsequent lot combination to allow a 545 square foot addition to an existing 1,562 square foot restaurant on 1.22 acres in the C-1 Commercial Zoning District.

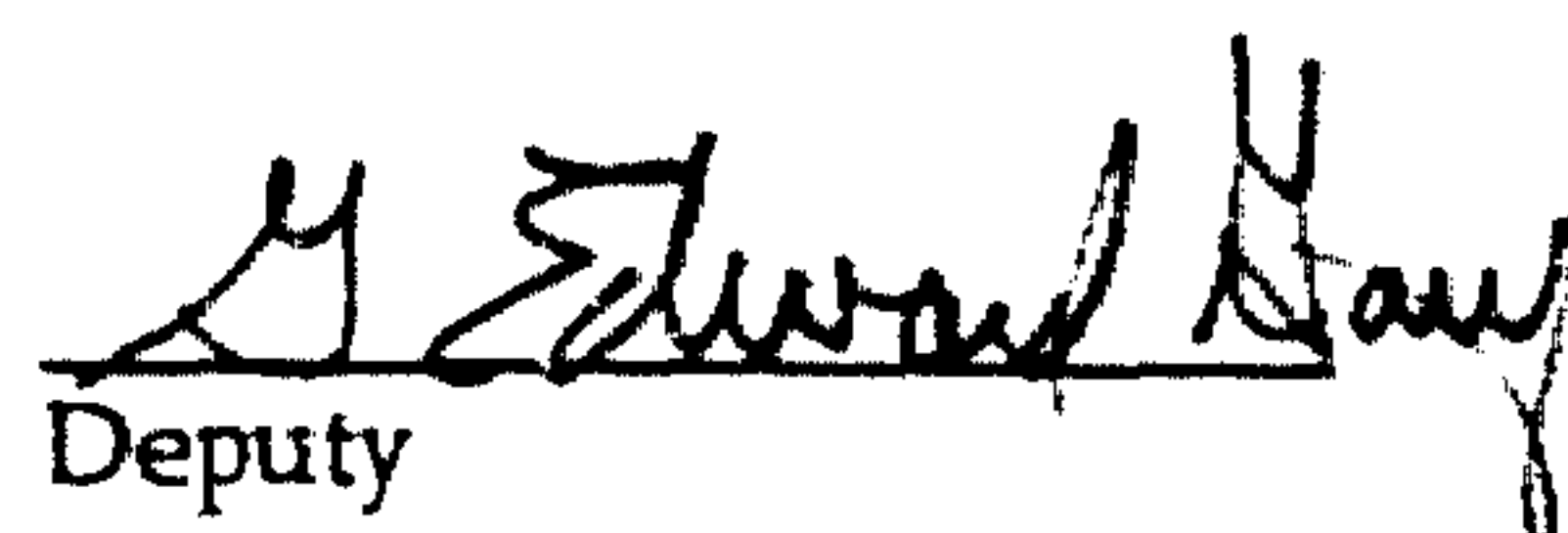
COUNTY ASSESSOR'S PARCEL NUMBER: 245-05-005 and 006

### CERTIFICATION

Under the provisions of Section 21.08.160(A)(5)(a) of the San Jose Municipal Code, and the provisions of Section 15301(e)(1) of the State Guidelines (CEQA) as amended, this project is found to be exempt from the environmental review requirements of Title 21 of the San Jose Municipal Code, implementing the California Environmental Quality Act of 1970, as amended, because the project consists of an addition to an existing structure which will not result in an increase of more than 50 percent of the floor area before the addition or 2,500 square feet, whichever is less.

Gary J. Schoennauer  
Director of Planning

April 20, 1993  
Date

  
Deputy

Linda Hannigan:LN:hs  
Project Coordinator

EXEMPT/ENV



City of San Jose

Department of City Planning

801 North First Street, Room 400  
San Jose, CA 95110  
(408) 277-4576

## EXEMPTION FROM ENVIRONMENTAL REVIEW APPLICATION

### TO BE COMPLETED BY DEPARTMENT OF CITY PLANNING STAFF

FILE NUMBER <u>HPB-3-16</u>		COUNCIL DISTRICT <u>4</u>	RECEIPT #: <u>387754</u>
QUAD # <u>51</u>	ZONING DISTRICT <u>C1</u>	GENERAL PLAN DESIGNATION <u>GEN COM</u>	DATE: <u>3/11</u>
LOCATION <u>NW/4 <del>BERKELEY</del> RD &amp; CAPITOL AVE.</u>			AMOUNT: <u>275</u>
			BY: <u>SM</u>

### TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)

PROJECT DESCRIPTION (Include square footage of any new construction) An existing 545 SF porch area is to be enclosed to expand the dining and storage area at an existing Taco Bell restaurant.			
ASSESSOR'S PARCEL NUMBER(S) 245-05-005		ACREAGE (gross) 53,280 SF (1.22 acres)	
PLEASE REFER TO THE ATTACHED LIST OF EXEMPTIONS AND FIND THE SECTION NUMBER OF THE EXEMPTION THAT BEST DESCRIBES YOUR PROJECT. WRITE THAT SECTION NUMBER IN THE SPACE PROVIDED. 21.08.160 (A.5.a) SECTION #: _____			
Describe how your project conforms to the code section cited above: <u>A 545 Sf addition is proposed to a 1,562 Sf restaurant. This will provide a total increase of 26%.</u>			
PRINT NAME OF APPLICANT Gary Laabs, Tabelco Inc.		DAYTIME TELEPHONE # (408 ) 929-2113	
ADDRESS 2780 Alum Rock Ave.	CITY San Jose,	STATE CA	ZIP CODE 95127
SIGNATURE <u>X Gary A. Laabs</u>			DATE <u>3-11-93</u>